

RECEIVED

2006 SEP -6 A 9:16

IN THE CIVIL FEDERAL COURT OF
FOR THE COUNTY OF MONTGOMERY AND STATE OF ALABAMA

ANGELA DENISE NAILS,

Plaintiff,

Case Number

ALSA RANA AND RUSSLE RANA,

1:06cv801-MEF

Defendant,

COMPLAINT BREACH OF CONTRACT

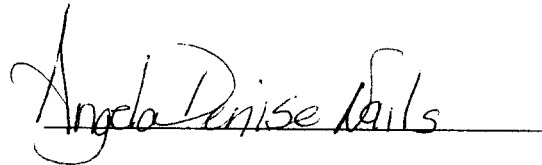
The case follows under the Jurisdiction Actitel III Section 2a Constitutional law.

Subject matter question controversy of Two Million Dollars. The defendants is a entity of its own self-employed business renting apartments. The defendant Jurisdiction the defendant is a resident of the state of Alabama. The plaintiff Jurisdiction the plaintiff is a resident of the state of Alabama. Subject mater question controversy is that the defendant failed to keep the contract the defendant sign with the plaintiff. The Constitutional law first amendment states peaceable assembly amoung group. The defendant tenant Eugene Preston did not allow the plaintiff to use the first amendment the defendants evicted the plaintiff because the plaintiff complaints to the defendants of the plaintiff first amendment right. Damages court cost of \$201.00 Circuit court cost, Civil appeal court cost \$100.00 and \$50.00 court cost Supreme

Court cost. The plaintiff is demanding the defendants claim of attorney fees be dropped of \$412.00 a \$1,500.00 cost be dropped in behalf of the plaintiff the plaintiff is seeking a reverse Judgement Federal Rule 4(b) . The events occurred January 2003 until April 2003 when the plaintiff was ask to leave the property of the apartment the plaintiff was renting from the defendant, the plaintiff was ask to leave because the plaintiff continued to complain about the tenant living down stairs from the plaintiff. Civil Code Section 1619-1633

Express or implied contract agreement. The lease is a legal and binding contract agreed upon by the defendant and the plaintiff the defendant would not ask the tenant living in the down stairs apartment to stop bothering the plaintiff, the tenant living down stairs form the plaintiff chase the plaintiff form the community mailbox, ran over the plaintiff in a SUV and the defendant tenant hit the plaintiff and road on down the street. The defendant tenant block entrance and exit form the plaintiff and the defendant did not give the plaintiff any assistant that the defendant and the plaintiff agreed upon in the lease, the tenant living below the plaintiff was to be ask to leave because of the lease statements not to harass or bother any of the other tenants on the property and that the other tenants are to be able to enjoy the place that they are renting from the defendant. The plaintiff was not able to enjoy the surroundings of the rented apartment because of the behavior of the tenant that live down stairs form the plaintiff. Exhibit A Lease agreement. Exhibit B Local City Police Reports. Exhibit C Eugene Preston Driving Recorded(defendant tenant). Exhibit D Letter from the owner of the SUV Eugene Preston was driving January 30, 2003. Exhibit E Letters form a Attorney referencing a letter Eugene and Pauline Preston sent to the attorney stating they had no

insurance the day of the hit and run against the plaintiff. Exhibit F Doctor report of the plaintiff injuries form the auto accident. The police reports state that the driver of the SUV is responsible for the plaintiff who was a predistran at the time the defendant tenant struck the plaintiff with the SUV. The plaintiff is pleading with the court to set a Jury hearing for this case. Mail complaint to 405 Redwood Street Dothan, Alabama 36301.

A handwritten signature in cursive script, reading "Angela Denise Nails", written over a horizontal line.

ANGELA DENISE NAILS

PRO SE

EXHIBIT A

Class 106-NV-0000-ITEM-VPW Document 12 Filed 06/05/2006 Page 2 of 4
A BINDING LEASE/RENTAL AGREEMENT BETWEEN A-M Properties The Management and Angela party # 1 and _____, party # 2 as the Tenant, for the rental dwelling located at 403 Holly Ln identified by Property Code # A-4, for a term of 6 months, beginning on 1-10-03 and ending on 6-30-03 with a Move-In date of 1-10-03 pursuant to the terms and conditions of this Lease, to wit:

RENT VALUE AND PAYMENT SCHEDULE: The above described dwelling has a rent value of \$ 325 per month, due and payable in advance of occupancy on or before the first day of each month. Check or money order must be made payable to Aslam and Munazza Rana. The Tenant will be notified in writing at least thirty (30) days in advance of any change in the rent. There will be a charge of \$ 20.00 if the Management has to come to you and collect the rent. A fee of \$25.00 will be charged on any returned check and all future payments will be required by a Money Order or Cashier's Check only.

SECURITY DEPOSIT: The Tenant agrees to post a Security Deposit in the amount of \$ 200 in advance.

NUMBER OF OCCUPANTS: As determined by the Application, the maximum number of occupants allowed are 1 adults and 0 children. Any changes in household must be approved and authorized by the Management.

SECTION 8 RENTAL ASSISTANCE: The Tenant receiving rental assistance will also conform to his/her Section 8 contract. This office cooperates with all government agencies in providing the Tenant's information.

MOVE-IN INSPECTION: The Tenant must complete a Move-In Inspection with the management prior to move-in to document the condition of the dwelling. The Tenant agrees to maintain the unit in as good a condition as he or she found it at the beginning of this lease, less normal wear and tear.

MAINTENANCE: The Management reserves the right to enter the dwelling at any time, to perform routine maintenance, maintenance inspections, and in case of emergency. The Tenant must report any maintenance problems to the rental office for repairs in writing. Failure to report is considered negligence on the part of the Tenant and he or she may be billed for the repairs or replacement service. The Tenant must not make any repairs or alterations including finishes.

RULES & REGULATIONS: Each Tenant is responsible for a quiet, non-intrusive lifestyle that will not infringe on the rights and privacy of his /her neighbors. Loud noise, boisterous conduct, violence of any type, and unsafe or unsanitary living conditions are strictly forbidden. The Tenant is responsible for the conduct and actions of his/her guests. Any illegal activities are grounds for immediate eviction. Domestic disputes or other altercations, which cause a disturbance, may lead to termination of the Lease. Three (3) Letters of Warning in any twelve (12) month period is grounds for non-renewal of the lease.

LATE CHARGES: Rent is due in full on or before the first day of each month in advance of occupancy. A five (5) days grace period is extended. Rent not received by the fifth (5th) day of any month is considered a major breach of the Lease Agreement and any payment, accepted after the grace period ends, is subject to a Late Charges in the amount of twenty five Dollars (\$25.00) for the first five days and five (\$5.00) Dollars per day thereafter through the date payment is received in full. The Tenants must pay rent on time to protect credit.

NON-PAYMENT OF RENT MEANS EVICTION: By signing this Lease, the Tenant agrees to pay in advance for housing. Any Tenant who may fail to meet his or her rent obligation by the fifth of the month will be served an EVICTION NOTICE on the 6th day of the month. The Tenant agrees to pay all costs incurred by the Management in regaining the possession of the dwelling. If eviction proceedings begin, tenant agrees to waive service of the FIRST EVICTION NOTICE. At that time, only one SEVEN (7) DAY NOTICE will be served.

NOTICE TO VACATE: After the Lease period is over, the Tenant is responsible for giving the Management at least a thirty (30) days written notice of intent to vacate his or her dwelling.

MOVE-OUT INSPECTION: After vacating and cleaning the dwelling, the tenant will request a Move-Out Inspection to determine the disposition of the Security Deposit that will be processed by the 15th of the month. The refund will be mailed by the 15th of the following month along with a copy of the Move-Out Inspection. The Management will issue a copy of the Vacate Report to the tenant's forwarding address with any monies due in the form of a check.

LEASE ADDENDUMS: All addendums to this lease are active and binding parts of this lease agreement. Any changes or additions in the lease agreement become effective thirty (30) days after written notice is given to The Tenant.

TENANT'S RESPONSIBILITIES: See attached with this lease "Tenant's Responsibilities".

TENANT'S PERSONAL PROPERTY: The Management is not liable for any of Tenant's personal property loss caused by fire, theft, storm damage, busted water pipes or an act of God, including any personal injuries of tenants or their guests. The Management advises the Tenant to buy tenant's insurance.

PETS: No pets are allowed at premises at any time.

Discount: Pay RENT by the FIFTH of each month and receive a DISCOUNT of \$ 50 for that month.

Angela Denise Nails
Primary Lessor

1-10-03
Date

Secondary Lessor

Date

Patricia S. Sauter
The Management or Representative

1-10-03
Date

THE GARDENS

401 Holly Lane, Dothan, Alabama 36301- Phone (334) 794-8311

An Equal Housing Management Company for The Garden at 401 Holly Lane, Woodland Deluxe at 107 Virginia Drive and Chateau at 1308 Sioux Street.

TENANT RESPONSIBILITIES Name: Angela Nails Address: 403 Holly Ln.**RENT:** All rent is due and payable on the 1st day of each month.Rent is payable by personal check, cashier's check, or money order. Rent should be paid during posted office hours directly to the Manager. The Manager will issue a receipt for the rental payment at the time payment is rendered. A mail drop has been provided for unavoidable after hours/weekend payments. Make rent checks payable to **ASLAM and Munazza RANA**.**BAD CHECK POLICY:**

Tenant's rendering payment for rent from closed accounts, accounts with insufficient funds, or other problem accounts, will be required to make all further rent payments by cashier's check or money order as no personal checks will be accepted. Deliberate attempts to defraud on rent payments will result in immediate eviction. If rent is late, personal checks will not be accepted.

OCCUPANCY:

Your application and lease agreement show the identity of all parties approved to live in the housing you have leased from RANA PROPERTIES. If the number of persons in your household DECREASES, or INCREASES, you must notify the Management. The lease must reflect the addition of newborn children or additional family members. EVERY ADULT ADDED TO YOUR HOUSEHOLD MUST BE APPROVED BEFORE MOVE-IN! No one may just "come and stay with you." Every tenant must be screened and approved under the conditions of our lease. Each adult must complete an application and be screened before occupancy. Tenants, found to be sharing a household with anyone not approved and is a part of the lease agreement, will be subject to eviction. Tenants receiving subsidy or assistance from state and federal housing programs will be reported to the appropriate office. Tenants are not restricted from normal visits from family and friends, but when individuals are at the property more than a few days, we must assume he or she is living on the premises. THIS WILL BE ENFORCED.

SECURITY DEPOSITS:

A Security Deposit will be charged to protect the interests of the owners. All or part of these monies will be returned to you at the time of vacating the premises, based upon the condition of the premises and if all your rent payments are current. If you owe rent, all or part of your Security Deposit may be withheld to cover payments due. If you owe for damages to the premises, all or part of your Security Deposit may be withheld to cover damages. If your Security Deposit does not cover rent due or damages assessed, you will be billed for the additional costs. If you disregard the bill for damages or rents exceeding your Security Deposit, a suit will be filed against you to reclaim the MONIES DUE TO US, INCLUDING COURT FEES, in a court of law.

MAINTENANCE:

Routine maintenance service is provided by the owners of this property. Routine maintenance is maintenance required by normal wear and tear. Requests for maintenance should be reported to the Manager either by telephone or written on a piece of paper and dropped at the office mail slot. Maintenance will be performed on non-emergency requests as soon as possible. As part of your lease agreement, the Management may enter your apartment to perform maintenance and inspection in your absence. Non-emergency situations include leaky faucets, cupboard drawers or hinges, etc. Emergency situations will include a busted water pipe, smoke or fire from an electrical fixture, etc. Heating and Air Conditioning outages are not considered emergency situations unless they are documented for medical requirements, or in extreme temperatures. These should be reported to the Management during normal office hours when technicians are available.

DAMAGE TO THE PROPERTY:

Damages caused by tenant abuse or neglect or accident will be charged to the tenant. Hot grease dropped on kitchen flooring or dumped in kitchen sink might be an accidental spill, but the owner is not responsible for that spill. In such cases, the tenant will be billed for the repairs or replacement at the least possible cost. Tenant should regularly inspect his or her apartment and report maintenance needs. A leaky pipe under the kitchen sink can be quickly and easily repaired. However, tenant neglect in reporting such a leak may lead to the necessity of replacing the cabinet floor, which will be billed to the tenant who did not report the leak.

GROUNDS FOR EVICTION: Tenants who openly disregard the terms of the lease and cause damage to the investment of the owners of this property will be charged in full for all damages caused by abuse and neglect. This behavior would be a GROUND for EVICTION.**RESPECT AND PRIDE:**

Every tenant should reflect his pride and self-esteem in his living environment as well as his respect and consideration for his neighbors and his obligations to others. Apartment must be kept in a clean and orderly condition at all times. Porches and stairwells must remain clear of trash and debris.

NOISE ORDINANCE:

No loud sounds from cars or apartments at anytime.

ALCOHOL AND DRUGS:

At no time will drugs be permitted. No alcoholic beverages will be allowed outside the apartment.

GUESTS:

Tenants shall be responsible for their guests at all times while they are on the premises.

PARKING LOTS AND YARDS:

No speeding through the complex. Speed limits are posted at each entrance. No parking on grass or in driveways. Guests should not park outside the complex beside the road. No parking for performing any maintenance on vehicles on the premises is prohibited.

POLICE ACTION: Should there be any police action involving your apartment for any reason, management will review the circumstances. If the decision by the management is unfavorable, eviction process will be initiated.

PETS: No pets are allowed at any time.

AN
AN
Date: 1-10-03

Note: Initial beside each ITEM.

EXHIBIT B

DOTHAN POLICE DEPT
Media ReportPage:
Program: CMS

OFFEN-Offense

1-03-000939

1/30/03 13:00

RECKLESS ENDANGERMENT

CLOSED EXCEPTIONALLY CLEARED

2/13/03

NO

100 VIRGINIA DR

DOTHAN, AL 36301

HOUSTON

HIGHWAY, STREET OR ALLEY

Lane 19

NON-HUD

1/31/03 13:20

WHITAKER, LANA 2/10/03

1/31/03 13:03

1/31/03 13:30

Case No. . . . : 1-03-000939

Occur From Date: 1/30/03 13:00

Day Of Week . . : THURSDAY

Alcohol Related: NO

Map Reference : 12A

Zone/division : 1st Squad

Report Officer : SKIPPER, JOHNNY

Supervisory Emp: MERRITT, TOMMY

Date Arrived . . : 1/31/03 13:11

1 of 1

1-03-000939

RECKLESS ENDANGERMENT

RECKLESS ENDANGERMENT

NON-HUD

HIGHWAY, STREET OR ALLEY

Exceptionally

1/31/03

1314

Attempt/Committ : COMMITTED

Attack Reason : OTHER CRIME

Evid Collected : NO

UCR Disposition: Closed

Exception Clear: LACK OF PROSECUTION

1 of 1 Title For Omitted Suspect

1 of 1

Prompt valid in: NAILS, ANGELA DENISE

1-03-000939

100 HOLLY LN APTA4

DOTHAN, AL 36303

112-1210

1961 42

1957 TX

MIE

MIE

MIE

MIE

MIE

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Business Phone : 334/000-0000

Social Security: 212782867

Race : BLACK

Ethnic Origin : Black

Weight : 160

Juvenile : ADULT

Eye Color : Brown

Marital Status : Single

File Charges . . : YES

Victim Sobriety: SOBER

Med Treatment : NOT TREATED

1 of 1

U S P E C T**

Trucks of All types

MIE

MIE

MIE

MIE

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MIE

MIE

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Vehicle type . . : MOTOR VEHICLE

Year : 1996

Model : TROOPER II

Color - Top . . : GREEN

Date: 2/18/05 DOTHAN POLICE DEPT Page: 1
 Time: 9:54:27 Offense Report Program: CMS301L

Case No. . . . : 1-03-000939
 Case Number . . : 1-03-000939 Occur From Date: 1/30/03 13:00
 Occur To Date . : 1/30/03 13:00 Day Of Week . : THURSDAY
 Dept Class . . : RECKLESS ENDANGERMENT
 Case Status . . : CLOSED EXCEPTIONALLY CLEARED
 Case Status Dt : 2/13/03 Alcohol Related: NO
 Drug Related? : NO
 Street Number : 100 VIRGINIA DR
 City : DOTHAN, AL 36301
 County : HOUSTON Map Reference : 12A
 Location Type : HIGHWAY, STREET OR ALLEY
 Beat : Zone 19 Zone/division : 1st Squad
 District . . . : NON-HUD Report Officer : SKIPPER, JOHNNY
 Report Date . . : 1/31/03 13:20 Supervisory Emp: MERRITT, TOMMY 1/31/03
 Entry Date . . : WHITAKER, LANA 2/10/03

***** A D D I T I O N A L T I M E S *****
 Case Number . . : 1-03-000939 Date Dispatched: 1/31/03 13:03
 Date Arrived . . : 1/31/03 13:11 Date Cleared . . : 1/31/03 13:30

***** C A S E M A N A G E M E N T I N F O R M A T I O N *****
 Case Number . . : 1-03-000939 Dept Class . . : RECKLESS ENDANGERMENT
 Case Status . . : CLOSED EXCEPTIONALLY CLEARED
 Case Status Dt : 2/13/03

***** O F F E N S E R E P O R T # 1 *****
 Case Number . . : 1-03-000939
 State Class . . : RECKLESS ENDANGERMENT 1314
 Federal Class : RECKLESS ENDANGERMENT Attempt/Committ : COMMITTED
 Computer Theft : NO Attack Reason : OTHER CRIME
 Weapon Type . . : OTHER Evid Collected : NO
 Location Type : HIGHWAY, STREET OR ALLEY
 State Dispo . . : Exceptionally UCR Disposition: Closed
 Dispo Date . . : 1/31/03 Exception Clear: LACK OF PROSECUTION

ASSAULT INFORMATION
 Case Number . . : 1-03-000939 Victim : ANGELA DENISE NAILS
 Suspect : ~~BILLY DEBOSE~~ Eugene Preston
 CR Circumst. : MISDEMEANOR ASSAULT ASSAULT

***** O F F E N S E P R I M A R Y R E L A T I O N S H I P S *****
 Offense #: 001 RECKLESS ENDANGERMENT 1314 / RECKLESS ENDANGERMENT
 Name #...: 001 → (SUSP) DEBOSE, BILLY ← Eugene Preston
 Name #...: 001 (VICT) NAILS, ANGELA D.

***** N A M E P R I M A R Y R E L A T I O N S H I P S *****
 Name #...: 001 (VICT) NAILS, ANGELA D.
 Name #...: 001 (SUSP) DEBOSE, BILLY / NEIGHBOR

***** V E H I C L E I N F O R M A T I O N # 1 *****
 Case number . . : 1-03-000939 Category . . . : **S U S P E C T**
 Vehicle type . . : MOTOR VEHICLE State Veh Type : Trucks of All types

Date: 2/18/05 DOTHAN POLICE DEPT Page: 3
Time: 9:54:23 Offense Report Program: CMS301L

Case No. . . . : 1-03-000981 *Eugene Preston* (Continued)
02-01-03 AT ABOUT 1420 HRS DEBOSE FOLLOWED HER TO AND FROM HER
MAILBOX. NAILS SAID BECAUSE OF PREVIOUS INCIDENTS SHE FEELS DEBOSE
WAS FOLLOWING HER ON PURPOSE IN AN ATTEMPT TO ALARM HER AND SHE FEELS
THREATENED BY DEBOSE. NAILS SAID DEBOSE DID NOT SAY ANYTHING TO HER
AND DID NOT MAKE PHYSICAL CONTACT WITH HER.

* * * * * END OF REPORT * * * * *

Date: 2/18/05 DOTHAN POLICE DEPT Page: 1
 Time: 9:54:34 Offense Report Program: CMS301L

Case No. . . . : 1-03-000733
 Case Number . . : 1-03-000733 Occur From Date: 1/16/03 6:00
 Occur To Date : 1/24/03 23:00 Day Of Week : THURSDAY
 Dept Class . . : HARASSMENT
 Case Status . . : CLOSED EXCEPTIONALLY CLEARED
 Case Status Dt : 1/24/03 Alcohol Related: NO
 Drug Related? : NO
 Common Name . . : GARDENS A4, 403 HOLLY LN APTA4
 City : DOTHAN, AL 36303
 County : HOUSTON Map Reference : 12A
 Location Type : RESIDENCE Beat : Zone 12
 Zone/division : 2nd Squad District . . . : NON-HUD
 Report Officer : WATKINS, JERRY Report Date . : 1/24/03 14:40
 Supervisory Emp: HARDEN RET, DONALD 1/24/03
 Entry Date . . : WHITAKER, LANA 2/06/03

***** A D D I T I O N A L T I M E S *****
 Case Number . . : 1-03-000733 Date Dispatched: 1/24/03 14:15
 Date Arrived . . : 1/24/03 14:28 Date Cleared . : 1/24/03 16:06

***** R E L A T E D I N C I D E N T S *****
 Incident # Incident # Source
 1-03-000826 OFFN HARASSMENT

***** C A S E M A N A G E M E N T I N F O R M A T I O N *****
 Case Number . . : 1-03-000733 Dept Class . . : HARASSMENT
 Case Status . . : CLOSED EXCEPTIONALLY CLEARED
 Case Status Dt : 1/24/03

***** O F F E N S E R E P O R T # 1 *****
 Case Number . . : 1-03-000733
 State Class . . : HARASSMENT 1314
 Federal Class : HARASSMENT Attmp/Committ : COMMITTED
 Computer Theft : NO Attack Reason : OTHER CRIME
 Weapon Type . . : OTHER Evid Collected : NO
 Location Type : RESIDENCE State Dispo . : Exceptionally
 CR Disposition: Closed Dispo Date . . : 1/24/03
 Exception Clear: LACK OF PROSECUTION

ASSAULT INFORMATION
 Case Number . . : 1-03-000733 Victim : ANGELA DENISE NAILS
 Suspect : EUGENE PRESTON
 CR Circumst. : MISDEMEANOR ASSAULT ASSAULT

***** O F F E N S E P R I M A R Y R E L A T I O N S H I P S *****
 Offense #: 001 HARASSMENT 1314 / HARASSMENT
 Name #...: 001 (SUSP) PRESTON, EUGENE
 Name #...: 001 (VICT) NAILS, ANGELA D.

***** N A M E P R I M A R Y R E L A T I O N S H I P S *****
 Name #...: 001 (VICT) NAILS, ANGELA D.
 Name #...: 001 (SUSP) PRESTON, EUGENE / NEIGHBOR

Date: 2/18/05 DOTHAN POLICE DEPT Page: 2
Time: 9:54:34 Offense Report Program: CMS301L

Case No. . . . : 1-03-000733

(Continued)

***** S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 **
Case Number . : 1-03-000733 Prompt valid in: PRESTON, EUGENE
Street Number : 403 HOLLY LN APTA3
City : DOTHAN, 36 303
Home Phone No. : 334/000-0000 Business Phone : 334/000-0000
Birth Date . . : 1/31/1964 38 < Maximum Age . : 38
Social Security: 260230672 > Oper Lic No. . : 6645011 AL
Race : BLACK Sex : MALE
Juvenile . . . : ADULT

***** W I T N E S S I N F O R M A T I O N - # 1 *****
Case Number . : 1-03-000733
Last Name . . : GARRETT, PATRICIA WILLIAMS
Street Number : 1604 HODGESVILLE RD LOTC503
City : DOTHAN, AL 36301
Home Phone No. : 334/793-4984 Business Phone : 334/794-8311
Birth Date . . : 9/20/1967 35 Social Security: 421981023
Oper Lic No. . : 5234738 AL Race : WHITE
Sex : FEMALE Ethnic Origin : Non-Hispanic
Height : 507 Weight : 185
Occupation . . : MGR/A M PROPERTIES Juvenile . . . : ADULT

***** V I C T I M I N F O R M A T I O N - # 1 *****
Case Number . : 1-03-000733 Prompt valid in: NAILS, ANGELA DENISE
Street Number : 403 HOLLY LN APTA4
City : DOTHAN, AL 36303
Home Phone No. : 334/712-1210 Business Phone : 334/000-0000
Birth Date . . : 1/08/1961 42 Social Security: 212782867
Oper Lic No. . : 13463957 TX Race : BLACK
Sex : FEMALE Height : 501
Weight : 160 Employer/Occup.: NONE
Juvenile . . . : ADULT Hair Color . . : Black
Eye Color . . : Brown Caution . . . : MENTALLY UNSTABLE
Marital Status : Single Victim Type . : PERSON
File Charges . : YES Can Identify . : YES
Victim Sobriety: SOBER Injury Extent : None
Med Treatment : NOT TREATED

***** N A R R A T I V E # 1 *****
CAD Information Reported By: WATKINS, JERRY L. 1/24/03

Call#: 030240347 Beat: ZONE 12
Units.: 670 Employees: 0000000670 WATKINS, JERRY
Call change from S56 to S48 BY CAD05H P 01 0000000046
RF..670 SO/RCC
10-3 1031

***** N A R R A T I V E # 2 *****
ORIGINAL REPORT Reported By: WATKINS, JERRY L. 2/06/03
Entered By.: WHITAKER, LANA J. 2/06/03

Date: 2/18/05
Time: 9:54:34

DOTHAN POLICE DEPT
Offense Report

Page: 3
Program: CMS301L

Case No. . . . : 1-03-000733

(Continued)

ON 01-24-03 I RESPONDED TO 403 HOLLY LN APT A4. I SPOKE WITH BF ANGELA NAILS. SHE STATED THAT BM EUGENE PRESTON AND BF PAULINE PRESTON ARE BEING LOUD IN THEIR APT AND THAT PAULINE CALLED HER A "STUPID FUNKY BITCH". I SPOKE WITH MR AND MRS PRESTON AND THEY STATED THAT THEY HAVE NOT SAID ANYTHING TO MS NAILS. I ALSO SPOKE WITH THE LANDLORD, WF PATRICIA GARRETT, AND SHE STATED TAHT MS NAILS COMPLAINS EVERYDAY THAT THE PRESTONS ARE THINKING TOO LOUDLY AND THAT THEY ARE ARGUING WITH OTHER PEOPLE IN THEIR MINDS AND SHE CAN HEAR THEM. WHEN I ASKED MS NAILS ABOUT THIS SHE STATED THAT "ITS ALL PART OF TELEPATHY AND EVERYBODY KNOWS THAT." I TOLD MS NAILS THAT I WASNT GOING TO DO A REPORT AND THAT I WASNT GOING TO LET HER SIGN A WARRNT ON THEM FOR THINKING TOO LOUDLY. MS NAILS WANTED TO COMPLAIN ON ME, SO I HAD SGT D HARDEN RESPOND AND HE ADVISED THAT I HAD TO WRITE A REPORT AND LIST HER COMPLAINT. THE PRESTONS STATED THAT MS. NAILS IS ALWAYS STOMPING AROUND UPSTAIRS AND I HEARD THIS WHILE I WAS IN THEIR APARTMENT. WARRANT PROCEDURES WERE ADVISED.

* * * * * END OF REPORT * * * * *

 Date: 2/18/05 DOTHAN POLICE DEPT Page: 1
 Time: 9:54:34 Offense Report Program: CMS301L

Case No. . . . : 1-03-000733
 Case Number . . : 1-03-000733 Occur From Date: 1/16/03 6:00
 Occur To Date . : 1/24/03 23:00 Day Of Week . : THURSDAY
 Dept Class . . : HARASSMENT
 Case Status . . : CLOSED EXCEPTIONALLY CLEARED
 Case Status Dt : 1/24/03 Alcohol Related: NO
 Drug Related? : NO
 Common Name . . : GARDENS A4, 403 HOLLY LN APTA4
 City : DOTHAN, AL 36303
 County : HOUSTON Map Reference : 12A
 Location Type : RESIDENCE Beat : Zone 12
 One/division : 2nd Squad District . . . : NON-HUD
 Report Officer : WATKINS, JERRY Report Date . : 1/24/03 14:40
 Supervisory Emp: HARDEN RET, DONALD 1/24/03
 Entry Date . . : WHITAKER, LANA 2/06/03

***** A D D I T I O N A L T I M E S *****
 Case Number . . : 1-03-000733 Date Dispatched: 1/24/03 14:15
 Date Arrived . . : 1/24/03 14:28 Date Cleared . : 1/24/03 16:06

***** R E L A T E D I N C I D E N T S *****
 Incident # Incident # Source
 1-03-000826 OFFN HARASSMENT

***** C A S E M A N A G E M E N T I N F O R M A T I O N *****
 Case Number . . : 1-03-000733 Dept Class . . : HARASSMENT
 Case Status . . : CLOSED EXCEPTIONALLY CLEARED
 Case Status Dt : 1/24/03

***** O F F E N S E R E P O R T # 1 *****
 Case Number . . : 1-03-000733
 State Class . . : HARASSMENT 1314
 Federal Class : HARASSMENT Attmp/Committ : COMMITTED
 Computer Theft : NO Attack Reason : OTHER CRIME
 Weapon Type . . : OTHER Evid Collected : NO
 Location Type : RESIDENCE State Dispo . : Exceptionally
 CR Disposition: Closed Dispo Date . . : 1/24/03
 Exception Clear: LACK OF PROSECUTION

ASSAULT INFORMATION
 Case Number . . : 1-03-000733 Victim : ANGELA DENISE NAILS
 Suspect : EUGENE PRESTON
 CR Circumst. : MISDEMEANOR ASSAULT ASSAULT

***** O F F E N S E P R I M A R Y R E L A T I O N S H I P S *****
 Offense #: 001 HARASSMENT 1314 / HARASSMENT
 Name #...: 001 (SUSP) PRESTON, EUGENE
 Name #...: 001 (VICT) NAILS, ANGELA D.

***** N A M E P R I M A R Y R E L A T I O N S H I P S *****
 Name #...: 001 (VICT) NAILS, ANGELA D.
 Name #...: 001 (SUSP) PRESTON, EUGENE / NEIGHBOR

 Date: 2/18/05 DOTHAN POLICE DEPT Page: 2
 Time: 9:54:34 Offense Report Program: CMS301L

Case No. . . . : 1-03-000733 (Continued)

***** S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 **

Case Number . : 1-03-000733 Prompt valid in: PRESTON, EUGENE
 Street Number : 403 HOLLY LN APTA3
 City : DOTHAN, 36 303
 Home Phone No. : 334/000-0000 Business Phone : 334/000-0000
 Birth Date . . : 1/31/1964 38 < Maximum Age . : 38
 Social Security: 260230672 > Oper Lic No. . : 6645011 AL
 Race : BLACK Sex : MALE
 Juvenile . . . : ADULT

***** W I T N E S S I N F O R M A T I O N - # 1 *****

Case Number . : 1-03-000733
 Last Name . . : GARRETT, PATRICIA WILLIAMS
 Street Number : 1604 HODGESVILLE RD LOTC503
 City : DOTHAN, AL 36301
 Home Phone No. : 334/793-4984 Business Phone : 334/794-8311
 Birth Date . . : 9/20/1967 35 Social Security: 421981023
 Oper Lic No. . : 5234738 AL Race : WHITE
 Sex : FEMALE Ethnic Origin : Non-Hispanic
 Height : 507 Weight : 185
 Occupation . . : MGR/A M PROPERTIES Juvenile . . . : ADULT

***** V I C T I M I N F O R M A T I O N - # 1 *****

Case Number . : 1-03-000733 Prompt valid in: NAILS, ANGELA DENISE
 Street Number : 403 HOLLY LN APTA4
 City : DOTHAN, AL 36303
 Home Phone No. : 334/712-1210 Business Phone : 334/000-0000
 Birth Date . . : 1/08/1961 42 Social Security: 212782867
 Oper Lic No. . : 13463957 TX Race : BLACK
 Sex : FEMALE Height : 501
 Weight : 160 Employer/Occup.: NONE
 Juvenile . . . : ADULT Hair Color . . : Black
 Eye Color . . : Brown Caution . . . : MENTALLY UNSTABLE
 Marital Status : Single Victim Type . : PERSON
 File Charges . : YES Can Identify . : YES
 Victim Sobriety: SOBER Injury Extent : None
 Med Treatment : NOT TREATED

***** N A R R A T I V E # 1 *****

CAD Information Reported By: WATKINS, JERRY L. 1/24/03

Call#: 030240347 Beat: ZONE 12
 Units.: 670 Employees: 0000000670 WATKINS, JERRY
 Call change from S56 to S48 BY CAD05H P 01 0000000046
 RF..670 SO/RCC
 10-3 1031

***** N A R R A T I V E # 2 *****

ORIGINAL REPORT Reported By: WATKINS, JERRY L. 2/06/03
 Entered By.: WHITAKER, LANA J. 2/06/03

-----+-----
Date: 2/18/05 DOTHAN POLICE DEPT Page: 3
Time: 9:54:34 Offense Report Program: CMS301L

Case No. . . . : 1-03-000733 (Continued)

ON 01-24-03 I RESPONDED TO 403 HOLLY LN APT A4. I SPOKE WITH BF ANGELA NAILS. SHE STATED THAT BM EUGENE PRESTON AND BF PAULINE PRESTON ARE BEING LOUD IN THEIR APT AND THAT PAULINE CALLED HER A "STUPID FUNKY BITCH". I SPOKE WITH MR AND MRS PRESTON AND THEY STATED THAT THEY HAVE NOT SAID ANYTHING TO MS NAILS. I ALSO SPOKE WITH THE LANDLORD, WF PATRICIA GARRETT, AND SHE STATED TAHT MS NAILS COMPLAINS EVERYDAY THAT THE PRESTONS ARE THINKING TOO LOUDLY AND THAT THEY ARE ARGUING WITH OTHER PEOPLE IN THEIR MINDS AND SHE CAN HEAR THEM. WHEN I ASKED MS NAILS ABOUT THIS SHE STATED THAT "ITS ALL PART OF TELEPATHY AND EVERYBODY KNOWS THAT." I TOLD MS NAILS THAT I WASNT GOING TO DO A REPORT AND THAT I WASNT GOING TO LET HER SIGN A WARRNT ON THEM FOR THINKING TOO LOUDLY. MS NAILS WANTED TO COMPLAIN ON ME, SO I HAD SGT D HARDEN RESPOND AND HE ADVISED THAT I HAD TO WRITE A REPORT AND LIST HER COMPLAINT. THE PRESTONS STATED THAT MS. NAILS IS ALWAYS STOMPING AROUND UPSTAIRS AND I HEARD THIS WHILE I WAS IN THEIR APARTMENT. WARRANT PROCEDURES WERE ADVISED.

* * * * * END OF REPORT * * * * *

EXHIBIT C

Alabama Department of Public Safety

REPLY MAY BE MADE TO:

6/23/2005

Driver License Abstract

Name: EUGENE PRESTON

Issue Date: 04/22/2004

Expiration Date: 04/25/2008

Restrictions:

License No: 6645011

Status: CURRENT

License Class: D CDL Status: UNLICENSED

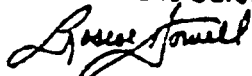
Birth Date: 01/31/1964 Race: B Sex: M

Endorsements:

| Conviction Date | Offense Description | Off Date | Com Veh | Court/Agency | Rep Cnsl |
|--------------------|-------------------------|-------------|------------|-----------------------------|-------------|
| 08/29/2003 | SPEEDING 82/65 MPH ZONE | 07/01/2003 | P | HENRY COUNTY DISTRICT COURT | N |

*** The inclusion of accident data in this report ***
 *** in no way implies fault or liability. ***
 *** This report contains information reported to ***
 *** this department for the last 3 years. ***

I hereby certify that this is a true and
 correct copy of the records in the Driver
 License Division of the Alabama Depart-
 ment of Public Safety.



ROSCOE HOWELL, MAJOR
 DRIVER LICENSE DIVISION



EXHIBIT D

I Billy Debose WANT My NAME
TAKING OF CASE CV2003 005011.00 BECAUSE
MY EXWIFE STAYS AT THAT ADDRESS
403 HOLLEY LANE APT. A3 DOTHAN, AL.
I Billy Debose STAY AT 4100 S. OATES
ST. LOT 906 DOTHAN, AL. WHAT EVERY
GOING ON THERE IS PAULINE PROBEIM
SHE ALSO DRIVING A ISUZU Trooper WITH
MY NAME ON IT BUT I'M GETTING MY NAME
TAKING OF THE PAPER WORK

Billy Debose

FILED

MAR 15 2003

Judy Byrd
JUDY BYRD, CLERK
HOUSTON CO., AL

EXHIBIT E

AMY M. SHUMATE, P. C.

ATTORNEYS AT LAW
294 W. MAIN STREET, SUITE 203
DOTHAN, ALABAMA 36301
(334) 673-0729 Fax (334) 702-0272

AMY M. SHUMATE
ALSO ADMITTED IN FLORIDA

REBECCA D. HENRY
ASSOCIATE ATTORNEY

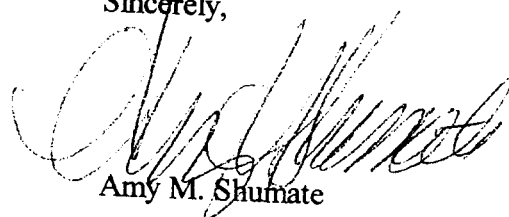
May 1, 2003

Angela Denise Nails
509 N. Lena ST
Dothan, AL 36301

Dear Mrs. Nails:

I have received information from Mr. Preston that he did not have any insurance, and I wanted to pass that information on to you. This does not change my opinion as I stated in my previous letter, nor does it change my involvement in your case. I still am unable to represent you in this matter, but wanted simply to make sure you had the above information.

Sincerely,



Amy M. Shumate

EXHIBIT F

H. CHESTER BOSTON, JR., M.D. ★ ★ ★
Spinal Disorders
Surgery of the Spine ▲

JOHN P. BUCKLEY, M.D. ★ ★ ★
Arthroscopic & Orthopaedic Surgery
Surgery of the Hand & Upper Extremity ▲

STEPHEN T. IKARD, M.D. ★
Arthroscopic & Orthopaedic Surgery
Total Joint Replacement ▲

DONALD S. SCOTT, M.D. ★
Arthroscopic & Orthopaedic Surgery
Work Related Injuries



UNIVERSITY ORTHOPAEDIC CLINIC, P.C.

305/400 BRYANT DRIVE, EAST NORTHPORT MEDICAL CENTER
P.O. BOX 2447 SUITE 101
TUSCALOOSA, ALABAMA 35403 NORTHPORT, ALABAMA 35476
FAX: (205)345-7341 FAX: (205)333-9935

TELEPHONE: (205)345-0192
www.univorthoclinic.com

L. SCOTT ATKINS, JR., M.D. ★
Arthroscopic & Orthopaedic Surgery
Knee and Shoulder Disorders

JAMES T. BARNETT, JR., M.D. ★
Physical Medicine &
Rehabilitation

WILLIAM C. STANDEFFER, JR., M.D. ★
Arthroscopic & Orthopaedic Surgery
Sports Medicine ▲

FREDERICK S. GRAHAM, M.D. ★
Physical Medicine &
Rehabilitation ▲

PATIENT# : 133156
PATIENT NAME : NAILS, ANGELA D
DATE OF SERVICE: 04/23/2004
AGE : 43Y
SUBJECT : CLINIC NOTE

Ms. Nails is seen today for evaluation of her knees and her left foot. She has a history of mass over the dorsal lateral aspect of her foot which has been present for at least several months. She states that she was hit by a car in 2002 has had bilateral knee pain since that time.

On exam she has bilateral patellofemoral crepitus during range of motion. No scars are noted. The color of the skin appears to be normal. No masses are present. Test coordination is normal. Fine motor testing is normal. Deep tendon reflexes are normal. Sensation is normal. Orientation is normal to time, place and person. Mood and affect are appropriate. She has no significant joint line tenderness. No instability of either knee.

On examination of the left foot is significant for about a 1 x 1.5 cm mass over the dorsal aspect of the fourth and fifth metatarsals consistent with ganglion cyst. MRI scan of her foot shows ganglion cyst about her foot. MRI of her knee shows findings consistent with chondromalacia patella.

IMPRESSION:

1. Bilateral patella chondromalacia.
2. Ganglion cyst left foot.

PLAN: We'll treat her with Naprosyn and physical therapy. She'll return to see us in a few weeks for recheck if needed.

L. Scott Atkins, Jr., M.D./dr

PATIENT# : 133156
PATIENT NAME : NAILS, ANGELA D
DATE OF SERVICE: 04/23/2004
AGE : 43Y
SUBJECT : CLINIC NOTE
Height 61. Weight 170 lb. Temperature 97.9.

Debra L. Trimm AART/ao
PATIENT# : 133156
PATIENT NAME : NAILS, ANGELA D
DATE OF SERVICE: 05/05/2004
AGE : 43Y
SUBJECT : CLINIC NOTE

Ms. Nails called back today to let me know that she was actually injured when she was struck by a vehicle in January 2003. She had originally told me that the accident occurred 2002.

L. Scott Atkins, Jr., M.D./dr

- ▲ CERTIFIED AMERICAN BOARD OF SPINE SURGERY
- DIPLOMATE OF THE AMERICAN BOARD OF ORTHOPAEDIC SURGERY
- FELLOW OF THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS
- ▲ POST RESIDENCY FELLOWSHIP TRAINING
- ★ FELLOW OF THE AMERICAN COLLEGE OF SURGEONS
- MEMBER AMERICAN SOCIETY FOR SURGERY OF THE HAND

SOUTHERN BONE & JOINT SPECIALIST SPORTS MEDICINE & REHAB

PROGRESS/DISCHARGE SUMMARY

Patients Name: Angela Nail Date: 9/1/04
 Dr: Morris, for back, Dr Burgess for (B) Knees MR#: 200196
 Dr: mechanical L & R pain, (B) Knee pain
 SOC Date: 7/19/04 # of Visits: (15) Cx's: 25, 27, 30 NS's: 8/2 (1)
 Discharge Date: 9/1/04 Date of Last Visit: 9/1/04

PREVIOUS GOALS:

- 1) demonstrate (D) main HE Pa purposes / Y/N
- 2) full AROM knees 5 pain (Y/N)
- 3) full strength knees 5 pain (Y/N)
- 4) Ascend/descend 2 flights stairs 5 pain (Y/N)

GOALS MET?

- 5) amb community disba 3 antalgia (Y/N)
- 6) (D) sit → stand, to kneel 5 pain (Y/N)
- 7) Oswestry score to 16? (Y/N)
- 8) Continued street walk > 30 min consistently (Y/N)
- 9) demonstrate proper body mechanics 100% (Y/N)

| | | |
|---|--|---|
| <input checked="" type="checkbox"/> All goals met Goals Met (-100%) <u>88%</u> | <input checked="" type="checkbox"/> Progressing towards goals Goals Met - <u>88%</u> (-between 50-100% achievement of set goals) | <input type="checkbox"/> Goals not met in clinic Goals Met - _____ % (= < 50% achievement of set goals) |
|---|--|---|

OBJECTIVE FINDINGS: Posture normal except (B) recombination - encouraged to not "lock knees"
ROM (B) Knees WNL - soft tissue stop at knee flex; deep knee squat & return 5
holding on. Strength (B) Knees 5/5 at times & other times tested 4-5 knee flex/ext, hip flex,
each leg 10X, performed 1/2 Kneel & return & kneeled both knees & able to sit back on heels, sit
ASSESSMENT: Patient initially come in stating pain was 10/10 but when told this was
pain so bad she would have to go to ER changed pain to 8/10 (B) Knees & 9/10 back.
Pt then performed all activities & re-eval 5 over c/o 1 pain. Treadmill 5 min

RECOMMENDATIONS/PLAN: Demonstrated good body mechanics 5# waist → shoulder & when
10X ± lifting box 15# & carrying 20ft 10 X, lumbar ROM WNL fingertips to floor
inflex 6" & in SB 18" SLR 90° Pelvis tender entire back to touch, ASIS PSIS =
Stairs 7 steps 2 flights 5 holding on. Recommendations: cont HEP
 THERAPIST: Tina DATE: 9/1/04

PHYSICIAN: [Signature]

DATE: 9/8/04

REASONS FOR DISCHARGE

| | | |
|--|--|--|
| <input type="checkbox"/> Insurance not re-authorized <input type="checkbox"/> Medical complications/re-injury | <input type="checkbox"/> Patient refused or did not return to therapy <input type="checkbox"/> Non-renewed prescription | <input checked="" type="checkbox"/> Program Completed <u>Patient met goals 88% &</u> <u>Other able to do functional activity</u> |
| <input type="checkbox"/> *Returned to work without restrictions: | <input type="checkbox"/> *Returned to work with restrictions/modifications: | <input type="checkbox"/> Did not return to work <input type="checkbox"/> Unable to assess work status <input type="checkbox"/> Other |

Applies to Workers Compensation patients ONLY: as above HEP